IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CWP No.15083 of 2007
Date of decision: 26.9.2007

Workmen, Punjab Ex-Servicemen Corporation Employees Union, Mohali.

-----Petitioner

Vs.

The Managing Director, Punjab Ex-Servicemen Corporation, Chandigarh and another.

-----Respondents

CORAM:- HON'BLE MR JUSTICE ADARSH KUMAR GOEL
HON'BLE MR JUSTICE AJAI LAMBA

Present: Mr. Ravi Kant Sharma, Advocate, for the petitioner.

JUDGMENT

This petition seeks quashing of order of the Industrial Tribunal dated 8.5.2007, Annexure P.13, allowing amendment of written statement and order dated 13.9.2007, Annexure P.18, dismissing application for framing of additional issue.

Case of the petitioner is that an industrial dispute arising out of retrenchment of services of 25 workers had been referred for adjudication. The case was at the advanced stage and the management filed an application for amendment of written statement to raise the plea of jurisdiction, which was allowed and an additional issue was framed. The petitioner filed an application

for framing an additional issue, which was dismissed by the Tribunal by observing that the additional issue sought to be raised by the Union was covered under the issue already framed.

We have heard learned counsel for the petitioner and perused the record.

It is well-settled that interference under Article 226 of the Constitution with the order of the Industrial Tribunal at inter-locutory stage can be in very exceptional circumstances. In **D.P.Maheshwari v. Delhi Admn. and others**, AIR 1984 SC 153, it was observed by the Hon'ble Supreme Court:-

> ".....It is also worthwhile remembering that the nature of the jurisdiction under Article 226 is supervisory and not appellate while that under Art. 136 is primarily supervisory but the Court may exercise all necessary appellate powers to do substantial justice. In the exercise of such jurisdiction neither the High Court nor this Court is required to be too astute to interfere with the exercise of jurisdiction, by special tribunals at interlocutory stages and on preliminary issues."

As regards order allowing amendment, the petitioner-Union has already filed amended replication and further proceedings have already taken place. As regards proposed issue pressed by the workmen, it has been observed in the impugned order that the same is covered under the issue of reference.

We do not find any ground for interference under Article 226 of the Constitution at this stage.

The writ petition is dismissed.

(ADARSH KUMAR GOEL)
JUDGE

September 26, 2007 **(AJAI LAMBA)**
'gs' **JUDGE**